

April 29, 2020

Hon. Governor Tim Walz  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

**Re: Temporary release of incarcerated vulnerable persons and others, in the interest of public safety and public health**

Dear Governor Walz,

We, the undersigned organizations, write this letter to urge you to promptly take action with respect to the safety and well-being of those held in Minnesota jails and correctional facilities. As Emergency Executive Order 20-20 Directing Minnesotans to Stay at Home makes clear “[t]he COVID-19 pandemic presents an unprecedented challenge to our State” and “[c]ommunity spread of COVID-19 in Minnesota and nationwide is increasing.” We request that you issue an emergency order temporarily releasing all COVID-19-vulnerable persons, individuals who have less than six months of their sentence left to serve, and individuals who are being held for technical violations of their probation or supervised release who are currently held in jails and correctional facilities who have shelter available upon release and whose custody can be safely modified to home confinement until this health emergency is resolved. A proposed executive order is attached to this letter.

According to the Centers for Disease Control and Prevention and the World Health Organization, older adults and people of any age with serious chronic medical conditions such as heart disease, lung disease or diabetes or who are otherwise immunocompromised are at higher risk for contracting COVID-19, which may lead to hospitalization, intensive care and even death. Excellent personal hygiene practices and social distancing are the most effective tools to combat the spread of the virus. This means staying at least six feet away from other individuals, avoiding or limiting all physical contact, washing hands regularly with soap and hot water, and using alcohol-based hand sanitizer when soap and water are not accessible.

With this in mind, public health experts and groups have all clearly stated that preventing the harm inflicted by COVID-19 can become immensely more difficult for people in congregate living settings including jails and correctional facilities. Being incarcerated drastically limits a person’s ability to exercise any of the above precautions or to seek effective medical help if they experience respiratory distress or other symptoms. The longer jurisdictions wait to act, the worse this will be. Indeed, Minnesota has already reported its first cases in the correctional setting, and the number of people with COVID-19 is climbing rapidly.

Additionally, we must acknowledge that people of color are disproportionately arrested, prosecuted, jailed and imprisoned, and they will be disproportionately harmed by the failure to reduce jail and prison populations and dramatically improve conditions

in response to the pandemic. People of color are also disproportionately overrepresented among the populations identified as particularly vulnerable – people who have diabetes, heart disease, respiratory disease, or other conditions that make them more likely to suffer seriously and even die from COVID-19.<sup>1</sup>

Incarcerated people remain fathers, mothers, brothers, sisters, friends and citizens, all placed in the custody and care of the state. We know that, as the state's chief executive officer, you recognize the heightened responsibility you have to keep them healthy and safe. We are confident that you care for them like you care for all Minnesotans, with great compassion and informed by science and public health experts.

Therefore, we urge you to take steps within the next week to ensure that public safety and public health are as protected as possible. This must include preventing people from unnecessarily entering the criminal legal system in the first place, and ensuring that jails and correctional facilities move those most vulnerable out of harm's way and reduce populations to the point where those who are incarcerated are able to practice social distancing and other recommended actions to prevent the spread of COVID-19. We would be pleased to discuss this proposal with you and your staff. If you are willing to do so, please contact ACLU-MN Chief Programs Officer Ben Feist at [bfeist@aclu-mn.org](mailto:bfeist@aclu-mn.org).

Now is the time to act; it will save lives.

Very truly yours,

35 organizations advocating  
for prisoners in Minnesota  
listed on following page

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<sup>1</sup> The disparate impact of COVID-19 on communities of color has become the center of discussion by city and state officials. See The Associated Press, "Rate of Deaths, Illness Among Black Residents Alarms Cities," THE NEW YORK TIMES, April 6, 2020, available at <https://apnews.com/1862bf401d6aad1d182e0bd967488c90> (reporting primarily on Chicago, where African American residents make up only 30% of the population, but account for 72% of COVID-19 deaths, and finding similar disparities in other major metropolitan areas, such as New York City and Detroit); Jeffrey C. Mays & Andy Newman, "Virus Is Twice as Deadly for Black and Latino People Than Whites in N.Y.C.," THE NEW YORK TIMES, April 8, 2020, available at <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html> (reporting that, in New York City, where Blacks and Latinos make up 22% and 29% of the population respectively, they account for 28% and 34% of the COVID-19 deaths, respectively). The significance of this cannot be understated or ignored.

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ACLU of Minnesota  
Asian American Organizing Project  
All Square  
Black Immigrant Collective  
Black Visions Collective  
CAIR - MN  
Communities United Against Police Brutality  
Convivencia Hispana  
Episcopal Church in MN  
Filipinx for Immigrant Rights & Racial Justice Minnesota  
Interfaith Coalition on Immigration  
Isaiah MN  
Incarcerated Workers Organizing Committee  
Jewish Community Action  
Legal Rights Center  
Mankato UCC  
Minnesota Conference of the United Church of Christ  
Minnesota Council of Churches  
Minnesota Educators Against ICE  
Minnesota Freedom Fund  
Minnesota Immigrant Rights Action Committee (MIRAC)  
NAACP - Minneapolis  
National Lawyers Guild - MN chapter  
National Lawyers Guild - St. Thomas Law School Chapter  
National Lawyers Guild - University of Minnesota Law School Chapter  
Navigate/Unidos  
Release MN 8  
Sanctuary and Resistance to Injustice  
Second Chance Coalition  
Social Justice Committee of the Lyndale United Church of Christ  
Southern Minnesota Regional Legal Services (SMRLS)  
Take Action Minnesota  
Voices for Racial Justice  
We Rise  
Women's March Minnesota

cc: Attorney General Keith Ellison, keith.ellison@ag.state.mn.us

Karl Procaccini, Karl.Procaccini@state.mn.us